CHAPTER 19

SUPPORTING COMMONWEALTH AND NON-UK NAVAL PERSONNEL

(Sponsor: NAVY PEOPLE-PSP EMP POL SO1)

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CHAPTER 19

SUPPORTING COMMONWEALTH AND NON-UK NAVAL PERSONNEL

SECTION 1

GENERAL

1901. Introduction

This chapter provides Royal Navy policy for supporting Commonwealth and non-UK Royal Navy personnel (including Royal Marines). This policy acknowledges the immigration challenges faced by Commonwealth and non-UK Royal Navy personnel and their entitled family members in establishing a service family life, termination of service and transition back to civilian life [1 & 2].

1902. Policy Background

This policy applies to all members of the regular Royal Navy whose status is 'exempt immigration control' by virtue of their service, and also to entitled family members who are subject to immigration control (including where the Royal Navy person is a UK national). It also applies to the Royal Naval Reserve and veterans where practicable and manageable. This chapter does not replace MOD or Tri-Service policy or instructions covered in Joint Service Publications (JSPs) which apply to all Service personnel and their families, regardless of nationality.

1903. Aim

The aim of this policy is to give direction to the Chain of Command (CoC) and individuals in supporting and advising Commonwealth and non-UK Royal Navy personnel throughout their service in the RN, up to and including termination of service. It is primarily concerned with matters related to immigration status.

1904. Definitions

The following definitions are used in the context of this policy:

a. **Foreign.** The only foreign nationals eligible for recruitment to the Royal Navy are citizens of the Republic of Ireland (ROI): citizens of the ROI are not subject to immigration control. EU/EEA[3] nationals are not eligible to join, with the exceptions of Malta and Cyprus, which are members of the Commonwealth.

b. **Alien[4].** A citizen or national of Nepal who serves or has served for not less than five years in the Royal Navy is considered as an 'Alien' under the Armed Forces Act.

c. **Commonwealth.** A Commonwealth citizen is a person who is a national of any country within the Commonwealth member countries[5].

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[1] The terms 'termination of service' and 'termination' are used throughout to encompass the various ways in which service personnel leave the Royal Navy. Other terms relating to discharge or dismissal are included only when referring to a specific route for leaving.
[2] Army General Administration Instructions Chapter 50 (April 2019).
[3] Member states of the European Union (EU)/European Economic Area (EEA). https://www.gov.uk/eu-eea
[4] Defined under the British Nationality Act 1981 as "a person who is neither a Commonwealth citizen nor a British protected person nor a citizen of the Republic of Ireland".
[5] Commonwealth citizens are defined within the British Nationality Act 1981 as being those within Schedule 3 of the Act. A list of Commonwealth countries may be found at http://thecommonwealth.org/member-countries.

d. **Naturalisation.** Naturalisation is the legal act or process by which a non-citizen in a country acquires citizenship or nationality of that country.

e. **Settlement.** Settlement is an immigration status granted to a person who does not hold the right of abode, through citizenship, in the United Kingdom. Indefinite Leave to Remain (ILR) is a status granted to those who have been admitted to the UK without a time limit on their stay and are free to take up employment or study. When indefinite leave is granted to persons outside the UK it is known as Indefinite Leave to Enter (ILE).

SECTION 2

TERMS AND CONDITIONS OF SERVICE

1905. Terms and Conditions of Service.

Non-UK nationals enlisting in the Royal Navy do so under the same Terms and Conditions of Service (TACOS) as their UK counterparts. Commonwealth, non-UK and ROI citizens enlisted in the UK and have the same employment, career opportunities and entitlement to Royal Navy Family and People Support (Welfare) service as their British counterparts.

1906. Immigration Exemption

When a Commonwealth or non-UK national enlists in the Royal Navy, they will enter the Service with a valid residency visa and remain subject to UK immigration control rules during the period of service. They may be granted an exemption from immigration control under section 8(4)(a) of the Immigration Act 1971 (except for the provisions relating to deportation). The rules for UK exemption of immigration may be found at the GOV.UK website[6]. Royal Naval Reservists are not granted exempt immigration control under section 8(4)(a) of the Immigration Act 1971, unless they are called out for permanent service under the Reserve Forces Act 1996 (RFA 96) Sections 52, 54 or 56 (commonly known as 'mobilisation').

1907. Home Office Immigration Rules Appendix - Armed Forces

The rules contained in the Home Office Immigration Rules appendix – HM Armed Forces[7], apply to regular non-UK members of HM Armed Forces only (on termination of service) and their entitled family members who are seeking to enter or remain in the UK.

1908. Consular Protection Arrangements

When any non-UK Service Person (SP) is placed in custody or detained[8], it is the responsibility of their Commanding Officer (CO) and/or Service Police to ensure that the individual is informed of their right for the appropriate consulate to be advised of their detention[9]. If the individual exercises this right, the CO must notify the consulate without delay and where possible arrange or facilitate unfettered consular communication and consular access to the detainee.

1909. Arrest Overseas

If a non-UK Service Person is arrested by authorities overseas, the following actions are to be undertaken (See also BRd 2 Chapter 39 (Civil Power and Report of Arrests), JSP 830, Manual of Service Law Volume 1 Chapter 3 and FLAGO Chapter 16):

a. **On Authorised Leave.** Any Service Person who is arrested by a civil power, or summoned on a criminal charge, whether in the UK or overseas, is to report such arrest or summons to their Commanding Officer without delay. When overseas, individuals are to contact either the nearest consular department of the passport they are travelling under or the British Embassy/Consulate; they are also to inform their unit (see also BRd 2 (QRRN) Articles 3902 and 3909).

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[6] https://assets.publishing.service.gov.uk/media/68e928a857038b5739b9868c/Appendix+Armed+Forces.pdf
[7] https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-hm-armed-forces
[8] Including held in Service custody or is ordered into arrest or custody without the involvement of Service Police.
[9] There is no obligation for the CO to inform the consulate of the individual as a matter of course.

b. **On exercise, official visit or Short-Term Training Team.** When on exercise, official visit or as a member of a Short-Term Training Team, units must contact their Commanding Officer for advice over jurisdictional responsibilities in accordance with the Vienna Convention on Consular Relations. The CO should advise the individual requiring assistance that they have the option of contacting either the nearest consular department of the passport they are travelling under or the British Embassy/Consulate.

c. **On Operational Deployment.** When on operational deployment, unit COs must contact the Duty Fleet Controller (+441923 956367), who will contact the Duty Fleet Legal Adviser.

SECTION 3

GUIDE TO SUPPORTING COMMONWEALTH AND NON-UK SERVICE PERSONNEL AND NON-UK FAMILIES OF SERVING PERSONNEL

1910. Royal Navy Guide to Supporting Commonwealth and Non-UK SP and Non-UK Families of Serving Personnel

The Royal Navy Guide to Supporting Commonwealth and non-UK SP and non-UK Families of Serving Personnel is a comprehensive reference document that directly supports this chapter. It provides guidance to the CO, unit, individual and dependent family members on the immigration and cultural challenges that may be expected by non-UK nationals during their career in the Armed Forces and their families. The RN D&I team are the holders of the guide.

1911. Awareness Briefings.

It is essential that regular awareness briefings are conducted on immigration matters relating to Commonwealth and non-UK Royal Navy personnel and their families. The NFF continues to brief Phase 1 and Phase 2 trainees and delivers ad hoc awareness presentations as requested by ships and units (where feasible). Briefings should be conducted for personnel and, where possible, their families, and also those in the Chain of Command (CoC) responsible for their management.

a. **Immigration Awareness Briefings for Non-UK Royal Navy Personnel.** Units are to deliver an awareness brief for non-UK Royal Navy personnel and their entitled family members on the following occasions:

(1) Recruitment.

(2) Phase 2 Training.

(3) As required by the Unit.

(4) Immediately prior to termination of service.

b. The brief is to cover the following mandatory subjects:

(1) The immigration status of personnel when serving and the actions to be taken for renewal of non-UK passports.

(2) The immigration challenge, costs of establishing a service family life and the substantial costs and challenges of settlement on termination of service[10].

c. The awareness brief should also be delivered to UK Royal Navy personnel with non-UK dependants, and to Naval Reserve non-UK personnel on joining the unit, especially if a reservist is to be mobilised, demobilised or about to undertake an FTRS commitment.

[10] Including, but not limited to, ensuring that families have the correct immigration status, the Minimum Income Threshold, and the costs associated with naturalisation or travel back to country of origin on discharge.

SECTION 4

REGULAR ROYAL NAVY

1912. Regular Recruiting

The recruiting criteria for all regular Royal Navy personnel are contained in Part 4 Recruiting (Chapters 7-17). With regard to non-UK nationals, additional recruitment eligibility criteria are outlined at Chapter 7 (Basic Eligibility and Entry Standards) and Chapter 63 (Security Vetting Policy) which includes rules regarding nationality and residency. In addition, 2019DIN01-045, Recruitment and Management of Commonwealth Nationals in the Armed Forces,[11] provides further information. The most important factor is for all Commonwealth and non-UK candidates to be made aware of the visa and immigration rules, associated costs and implications for any family members and dependants[12].

1913. Application for Immigration Exemption

When a Commonwealth or non-UK citizen enlists in the regular Royal Navy, the New Entry Training Establishment (HMS RALEIGH, Britannia Royal Naval College (BRNC) or CTCRM Lympstone) is to apply for an exemption of immigration control under Section 8(4)(a) of the Immigration Act 1971. Both applications for new enlistments or renewal of passports are to be made using the guidance at Annex 19A. Individuals should be briefed on the content of Annex 19A Appendix 1 and given a personal copy, including a copy of their submitted non-UK passport personal information page. UK Visas and Immigration (UKVI) (which is part of the Home Office (HO)), will write to individuals outlining the conditions of their exempt immigration control status. Immigration Exemption does not apply to dependants of serving personnel.

1914. British Naturalisation

Naturalisation is not required for Service reasons[13]. Becoming a British citizen is a significant, life changing event and is the personal choice of the individual. Commonwealth and non-UK Royal Navy personnel (excluding non-UK dependants) may apply for naturalisation whilst serving. The decision to naturalise is a personal one and all costs/expenses associated with naturalisation are a personal responsibility[14] (for more information refer to 'Apply to Become a British Citizen by Naturalisation (Form AN)[15].

1915. Updating JPA

Naturalisation is classed as a change in personal circumstance, and the individual must report this to their UPO/HR administration office for updating of their JPA account. They will either be solely a British national or hold dual nationality and will cease to be serving as a Commonwealth and non-UK person; this will affect entitlement to certain allowances. Failure to notify the CoC of naturalisation could result in fraudulent claiming of Get You Home (Overseas) or DOMCO, and could also affect pre-deployment checks and readiness for overseas assignments or deployments. It forms part of an individual's self-service responsibility.

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[11] 2019DIN01-045
[12] Awareness of the visa and immigration rules and understanding of the implications on their families as well as associated costs with specific reference to the Minimum Income Threshold.
[13] All Commonwealth and non-UK serving personnel who enter the Armed Forces are exempt immigration control under section 8(4)(a) of the Immigration Act 1971 whilst subject to Service law.
[14] Standard Learning Credits (SLC) are permitted for the Life in the UK test.
[15] https://www.gov.uk/government/publications/become-a-british-citizen-by-naturalisation-form-an

1916. Termination of Service

When a regular Commonwealth or non-UK individual's service is due to be terminated (including medical discharge or discharge under training), the releasing unit must carry out additional procedures in accordance with Para 5465. Annex 54H is to be completed by the UPO/HR Admin prior to termination/discharge final date, its contents briefed to the individual and then sent to UKVI, with a personal copy being given to the individual.

1917. UK Settlement

Commonwealth and non-UK Royal Navy personnel can't apply for settlement in the UK whilst still serving but can apply for settlement on discharge if they have served for 4 years (or less if for medical reasons which are "attributable to service"). This is subject to the SP meeting the validity, suitability and eligibility requirements for an HM Armed Forces service leaver contained in Appendix HM Armed Forces of the Immigration rules. Applications may be made up to 18 weeks prior to termination of service by using the form at the link below[16]. The cost of this application is borne by the Service Leaver up to the 6-year point. If the SP has served for 6 years (or less if for medical reasons which are "attributable to service"), the Home Office will waive the fee for settlement as a "thank you" for their service.

a. **Indefinite Leave to Remain (ILR).** ILR can be granted to those discharged who are already in the UK on the date of application. This takes the form of an E-Visa which grants the holder settlement in the UK. UK Applicants must meet the settlement rules and apply on form SET (AF). An application can be submitted 18 weeks prior discharge and the grant of ILR will only happen after the discharge date.

b. **Indefinite Leave to Enter (ILE).** ILE can be granted to those living outside the UK following discharge. This will normally apply to those who have chosen to return to their country of origin after Service but then decide to return to the UK within two years following discharge.

c. **Further Leave to Remain (FLR).** Non-UK SP may be able to apply for FLR if they are medically discharged with less than four years' service. Application can be made ten weeks before discharge on Form FLR(AF), the grant of FLR will only happen after discharge. SP may also apply for FLR if they know they will not meet the requirements for settlement (for example because of a criminal record). Granting of FLR will only be given if the applicant meets the relevant criteria.

1918. Entitled Service Family Members

Entitled Service Family Members who are subject to immigration control, including where the SP is a UK national, may seek to establish a family life in the UK by following the immigration rules at footnote 14 and using the form VAF AF which may be found at the link below[17]. An example of the letter of support required from the sponsoring unit is at Annex 19B. Family members who enter the UK by this method are no longer required to pay the Immigration Health Surcharge and may reclaim the cost if applications cannot be made via the new UKVI online system. Entitled service family members must not enter the UK on a standard visitor visa if they intend to remain in the UK permanently i.e. not as visitors. Any spouse/partner/child travelling on a standard visitor visa will not be entitled to accompanied status or Service Family Accommodation (SFA).

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[16] https://www.gov.uk/government/publications/application-to-settle-in-uk-as-former-member-of-hm-forces-setaf
[17] https://www.gov.uk/government/publications/application-for-uk-visa-as-member-of-hm-armed-forces-vaf-af

1919. Maintaining Passports and Visas

Units in the UK and overseas are to ensure that all non-UK Royal Navy personnel and entitled family members maintain valid passports and visas. They must inform individuals that, if a valid entry visa should lapse, UKVI will register the dependant as an overstayer in the UK, which will adversely affect their ability to work, access NHS facilities and prevent them from being able to travel abroad in an emergency or return to the UK. They will not be enroute to settlement, which may adversely affect future immigration applications. Non-UK Royal Navy personnel may make application to UKVI to extend a visa up to 28 days prior to the expiry date, at their personal expense[18].

1920. Assignment from Overseas to UK

Unit staff are to ensure that, prior to their travelling back to the UK on assignment, non-UK entitled family members have a valid settlement entry visa for the UK. Those without a valid entry visa will need to meet UKVI entry requirements, including basic English language and minimum level of income. The policy for the public upkeep of visas for entitled families outside the UK may be found in JSP 752 Chapter 9, Section 13[19].

1921. Assignment from Overseas to Overseas

Unit staff are to manage the movement of entitled family members on assignment between overseas locations through Global Removals and Family Services[20].

1922. Home Office Notification

The Home Office is to be informed of changes in personal circumstance of non-UK Royal Navy personnel. It is the unit's responsibility to inform UKVI of the following occurrences, using Annex 54H:

a. **Bereavement.** On the death of a non-UK Royal Navy person, when the individual or entitled family members are subject to immigration control.

b. **Estrangement.** When an estrangement has taken place and the non-UK Royal Navy person has changed their PStat, there is no chance of reconciliation, and the individual or entitled family members are subject to immigration control.

c. **Termination of Service.** When a non-UK Royal Navy SP's service is to be terminated or when the individual's service is terminated in accordance with Para 1916 above. The notification is also to include entitled family members who are subject to immigration control.

[18] See also Para 0726.
[19] https://modgovuk.sharepoint.com/sites/defnet/HOCS/Pages/Armed-Forces-Allowances-and-Expenses.aspx
[20] http://authdefenceintranet.diif.r.mil.uk/Tools/Admin/UseDefenceTravel/Pages/GlobalRemovalsandFamilyServices.aspx

SECTION 5

ROYAL NAVAL RESERVE

1923. Reserve Recruiting

All non-UK Royal Naval Reservists are recruited under the residency requirements described in Chapter 4 (Recruitment Introduction and Overview), Chapter 7 (Basic Eligibility and Entry Standards) and 2019DIN01-045 – Recruitment and Management of Commonwealth Nationals in the Armed Forces[21].

1924. Immigration Status

Non-UK Royal Navy Reservists are not granted 'exempt immigration control' status under section 8(4)(a) of the Immigration Act 1971, unless they are called-out for permanent service under the Reserve Forces Act 1996 (RFA 96) Sections 52, 54 or 56 (more commonly known as 'mobilisation'). At all other times they must have valid leave to remain in the UK.

1925. Full Time Reserve Service (FTRS)

FTRS is a reserve commitment, and the non-UK reservist remains under the immigration rules that govern them as a civilian. The reservist must hold a valid right to work visa for the duration of the FTRS, and units must not apply for immigration exemption on behalf of reservists on FTRS. If the reservist has settlement they can undertake FTRS in the UK, but it is not recommended that they undertake FTRS overseas as this could affect their ILR/E status, since UKVI will consider them to have left the country. Reservists on FTRS are subject to annual right to work checks, in accordance with Para 1928.

1926. Mobilised Reserve

When non-UK reservists are mobilised, the unit or Mission Training and Mobilisation Centre (MTMC) must carry out the immigration control actions at Annex 19D, explain the contents of Annex 19D Appendix 1, and give the reservist a copy. Units are to ensure that the reservist's passport will remain valid throughout the period of mobilisation. If successfully mobilised, the reservist's passport will be endorsed 'exempt immigration control' under Section 8(4)(a) of the Immigration Act 1971. UKVI will confirm in writing the conditions of the reservist's exemption.

1927. Demobilised Reserve

When non-UK reservists are demobilised, MTMC or the demobilising unit must inform UKVI by carrying out the additional procedures in accordance with Para 5465. Annex 54H must be completed prior to their demobilisation final date and sent to UKVI. The unit must brief the reservist that UKVI will be informed of their demobilisation and that the 'exempt immigration period' has ceased. The reservist must be warned that *"even though their passport stamp is not physically cancelled when they are demobilised, the reservist will not have permission to work or remain in the UK unless they have a valid civilian UK visa".* The reservist's parent unit should also conduct the annual right to work check prior to the reservist resuming training, in accordance with Para 1928.

[21] 2019DIN01-045

1928. Unit Responsibility - Reservists Annual Right to Work Checks

Units have a statutory requirement to conduct and record annual right to work document checks of their non-UK reserve personnel who are subject to immigration control. To ensure that a right to work remains extant, these checks should be carried out prior to the start of each training year. For further government advice see the Right to Work Checklist and for Unit actions see 2014DIN01-181 Employment of Foreign and Commonwealth Reserve Service Personnel[22] and the Guide to Supporting Commonwealth and non-UK Service Personnel and non-UK Families of Serving Personnel (Para 1910).

1929. Incorrect Immigration Exemption

If a non-UK reservist is found to have an 'exempt immigration endorsement' as a result of previous regular or mobilised service, the unit must inform UKVI in accordance with Para 5465, stating that the reservist has previously had their regular service terminated or that they have been demobilised from reserve service. The reservist must be informed that they are not exempt from immigration control and must regularise their immigration status in accordance with the regulations at footnote 21 and the Guide to Supporting Commonwealth and non-UK Service Personnel and non-UK families of Serving Personnel (Para 1910).

1930. Reserve Training Overseas

When there is a requirement for non-UK reservists to train overseas, the unit must check whether a NATO Travel Order[23] or additional visa is required by contacting Defence Travel[24] for advice. The requirements to obtain visas for official duty are constantly changing and this list is frequently updated. If there is any doubt, then contact should be made with DSCOM Visa Section (Tel Mil 9621 84366). For guidance on payment for official visas refer to JSP 752 Chapter 9 Section 13[25]. Units are not to apply for 'exempt immigration control' for training reasons.

1931. Individual Responsibility

Units are to remind the non-UK reservist that it is their responsibility to report any changes to their immigration status that affects a right to work to the UPO/HR Admin staff. It is an individual's personal responsibility to regularise their immigration status after demobilisation and before commencing any further training.

1932. Reserve Family Entitlement

There are no provisions within the immigration rules for the dependant of a non-UK reservist to enter or remain in the UK based solely on their sponsor's reserve service[26]. This includes family members of those who have been mobilised or are on FTRS. The unit should ensure that the reservist is aware of the implications for family members and dependants.

1933. Changes to Reserve Immigration Status

When a non-UK reservist is issued an exempt vignette for mobilised service, the status of their dependants does not change. Their dependants will remain on the immigration conditions for which they were given leave to enter or remain in the UK. If a reservist is granted 28 days' leave outside the rules as they no longer hold valid leave on return from mobilisation, their dependants are not entitled to be considered simultaneously.

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[22] http://defenceintranet.diif.r.mil.uk/libraries/corporate/DINSpersonnel/2014/2014DIN01-181.pdf
[23] JSP 800 Defence Movements and Transport Regulations Vol 2 - Passenger Travel Instructions.
[24] http://defenceintranet.diif.r.mil.uk/Organisations/Orgs/HOCS/Organisations/Orgs/DGTCS/MODCommercial/Pages/BookingTravel.aspx
[25] https://modgovuk.sharepoint.com/sites/defnet/HOCS/Pages/Armed-Forces-Allowances-and-Expenses.aspx
[26] https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-armed-forces

1934. Supporting Letters - Royal Naval Reserve

Reserve units or individuals should not write official letters on headed paper to UKVI in support of a reservist's application to change their immigration status due to a change in their civilian circumstances. Regular or reserve personnel should not attend any subsequent inquiries in an official capacity; this includes appearing in uniform at a hearing to give expert advice on reserve service or at any tribunal or court case dealing with a reservist's civilian immigration issue.

1935. Home Office Notification

The Home Office is to be informed of changes in the personal circumstances of Commonwealth or non-UK reserve personnel. It is the unit's responsibility to inform UKVI of the following occurrences, using Annex 54H:

a. **Demobilisation.** When a non-UK reservist has demobilised.

b. **Termination of Service.** When a non-UK reservist's service has been terminated.

c. **Death.** On the death of a non-UK reservist.

ANNEX 19A

ROYAL NAVY REQUEST FOR AN 'EXEMPT UK IMMIGRATION' CONTROL ENDORSEMENT FOR REGULAR COMMONWEALTH OR NON - UK ROYAL NAVY PERSON

Maintaining Immigration Status - Regular

1. When a non-UK passport holder has been accepted into regular service or has a Country of Origin passport renewed during regular service, the UPO/HR Admin Office is responsible for carrying out the following actions:

a. Send the non-UK passport with a covering letter by registered mail and enclose two passport style photographs no more than three months old with the name of the individual written on the back of each (expenses may be recovered in accordance with JSP 752).

b. Prior to dispatch the unit must issue the individual with a copy of their passport personal page and any valid visa pages, explain and give the individual a personal copy of Appendix 1: Immigration Conditions During Regular Service and Termination of Service.

c. The Armed Forces Team at UKVI will insert the 'exempt' immigration endorsement into the passport and confirm the conditions of issue in writing to the individual.

d. A covering letter should be sent to UKVI on Unit headed paper addressed as below and contain the following information:

Visits UK (SHU)
Armed Forces/FCDO Team
Visa, Status and Information Services- UKVI
L4, 2 Ruskin Square
Dingwall Road
Croydon
CR0 2WF

Date

Dear Sir/Madam,

ROYAL NAVY REQUEST FOR AN 'EXEMPT UK IMMIGRATION' CONTROL ENDORSEMENT FOR REGULAR COMMONWEALTH OR NON-UK NAVAL SERVICE SERVING PERSONNEL

[Paragraphs do not need numbering]

I am the Unit HR Administrative Officer of (insert unit) responsible for Non-UK Exemption from Immigration Control applications.

I can confirm that (insert service number, rank/rate, full name, DoB and nationality) enlisted as a regular Service Person in the Royal Navy/Royal Marines on (insert start date)**.** Having enlisted in the Royal Navy/Royal Marines as a regular, the above-named individual is exempt UK Immigration Control under Section 8(4)(a) of the Immigration Act 1971.

I have enclosed the individual's Country of Origin Passport (Passport Number) and two Passport photographs with the individual's name on the back of each and request that UKVI insert an 'exempt' from immigration control endorsement (vignette) and inform the individual of the conditions of issue.

Please do not hesitate to contact me if you require any additional information.

Signed

Name
Rank/Rate/Position
Job Title, if not included in Unit Letter Template.
For Commanding Officer

Enclosures:

1. (*Insert*) *Service Person's Full Name* (*Insert Nationality*) Passport (*Insert Serial Number*).
2. Two Passport Photographs with individual's name on the back.

APPENDIX 1 TO ANNEX 19A

IMMIGRATION CONDITIONS DURING REGULAR SERVICE AND TERMINATION OF SERVICE

Copy to be provided to Non-UK Royal Navy/Royal Marines Service Person for their Records

1. Regular Service. Your passport has been forwarded to UK Visas and Immigration (UKVI) in order for it to be endorsed with an Exempt UK Immigration Control vignette. UKVI will write to you to confirm the conditions of your exempt status. As a non-UK citizen currently serving in HM Forces you will be exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 until your service is terminated or you naturalise as a British citizen. **Your exemption does not extend to your family dependants.**

2. Exempt Immigration Control Travel.

a. Your immigration exemption only allows you to travel to the UK; it is not valid for travel to other countries, if you undertake personal travel you must ensure you meet the visa requirements of the countries to which you are travelling and those you pass through in transit. The authorities in the country or territory to which you are travelling are responsible for setting and enforcing the rules for entry. If you are unclear about any aspect of the entry requirements, or need further reassurance, you will need to contact the embassy, high commission or consulate of the country or territory to which you are travelling. You should also consider checking with your transport provider or travel company to make sure that your passport and other travel documents meet their requirements. Generally, your passport should be valid for a minimum period of 6 months from date of entering the country you are visiting.

b. If you are required to travel for MOD official purposes your UPO/unit administration office will contact Defence Travel to determine which type of visa you require and will assist you with obtaining that visa prior to travel. The office will also assist you in reclaiming any expenses incurred in obtaining the visa.

3. Passport Renewal. When you are required to renew your passport, you must report to the UPO/unit administration office with your new passport in order that the ‘exempt immigration control’ status may be transferred to your new passport.

4. Establishing a Family Life.

a. If your spouse/legal partner and children are non-UK citizens and you wish them to join you, they may be subject to immigration control. This means that they must apply for a settlement entry visa through UKVI using a HM Forces Application Form VAF AF[1]. **The Royal Navy has no liability to pay for visa or travel expenses for your family.** The settlement entry visa cost changes every April and is approx. £2000. Current visa fees may be found at the link below[2]. If your spouse/partner is not a national of a predominately English-speaking country, then they may be required to be A1 (fluent in) English. The Home Office has a Minimum Income Requirement that you must meet for spouses/partners and children to legally enter the UK. The minimum threshold of the UK Armed Forces pay has been adjusted so that all those serving will earn this once training is completed. This will support service personnel with foreign national family members to bring their loved ones to the UK allowing the family to stay together and give the recruit the support they need throughout their career in the Royal Navy. Additionally, there is no longer an additional income requirement for children the MIR will now be the same regardless of the number of children brought to the UK.

b. If you are successful, you will receive a e-Visa and be placed on a five-year route to settlement based on your Royal Navy service under the Immigration Rules Appendix HM Armed Forces[3].

5. Termination of Service.

a. When you reach your termination of service your discharging/releasing unit will inform the Home Office of your impending termination of service. **It is then your responsibility to regularise your own UK immigration status, and that of your family.** You can begin this process up to 18 weeks prior to your termination of service (final date of paid service), at your expense; if you choose to do this you should take action as soon as possible. **Your 'exempt immigration control' status will cease on the date of termination of service.** If, after termination, you remain in this country without a valid settlement status you will not be entitled to work, or have access to local authority housing, benefits or any other form of public funding. Even if your passport has an exemption stamp, the UKVI will have recorded you as having left the Armed Forces. This will also appear when any prospective employer conducts a statutory right to work check. It may also affect any future application to remain in the UK.

b. You are strongly advised to start saving money from the date of your enlistment in the Royal Navy/Royal Marines to meet family entry visa costs and future settlement visa costs both for you and your family. This can be achieved in a number of ways, including through an Armed Forces Credit Union. See 2019DIN08-010 Credit Union Services - Access for Armed Forces Personnel and Former Personnel in Receipt of an Armed Forces Pension.

[1] https://www.gov.uk/government/publications/application-for-uk-visa-as-member-of-hm-armed-forces-vaf-af
[2] https://www.gov.uk/visa-fees
[3] https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-hm-armed-forces

ANNEX 19B

ROYAL NAVY LETTER OF CONFIRMATION OF A SPONSORING ROYAL NAVY PERSON'S DETAILS FOR HM FORCES VAF AF APPLICATION

(Letter of confirmation of sponsor's details to be submitted with spouse/partner's application for an entry visa to the UK - NOT TO BE USED TO SPONSOR A VISITOR VISA)

1. A covering letter should be sent to UKVI on Unit headed paper addressed as below and contain the following information:

For the Attention of:
The Entry Clearance Officer
Date

Dear Sir/Madam,

ROYAL NAVY LETTER OF CONFIRMATION OF SPONSORING NAVAL SERVICE PERSON

Paragraphs do not need numbering.
Sponsoring Service Person Details:
Surname Forenames Service Number Nationality

Entitled Armed Forces Family Members Leave to Enter Visa applications for:

(Insert all named applicants)
Surname Forenames Date of Birth Nationality and Relationship to Marine/Sailor

I am the Unit Administration Officer of *(insert unit name).* UnderAppendix HM Armed Forces**,** the sponsoring Service Person above has requested a Royal Navy letter to confirm the above-named sponsoring service person's details in respect of sponsorship of a UK Leave to Enter Visa application[1] for those entitled family members listed above.

The above named service person is currently serving in the United Kingdom*[2] and I can confirm that as a condition of the service the named serving person has been provided with/will be provided* with suitable Service Family Accommodation to accommodate the family prior to their arrival in the United Kingdom (**provide allocated SFA address if available or if a contact house is being used as an interim or use the full unit address)**.

Please do not hesitate to contact me if you require additional information.

Signed

Name
Rank/Rate/Position
Job Title, if not included in Unit Letter Template.
For Commanding Officer

[1] This letter is not to be used to sponsor a visitor visa.
[2] Overseas HQs should use an amended letter template.

ANNEX 19C

COMMONWEALTH AND NON-UK SERVICE PERSONNEL - ADDITIONAL TERMINATION OF SERVICE PROCEDURES TO BE PROVIDED TO UPO/UNIT HR ADMIN, CAREER MANAGERS AND THOSE WITH DISCHARGING RESPONSIBILITIES

1. The service of all non-UK Royal Navy personnel is terminated in accordance with the regulations at Para 5465. As soon as the individual is warned that their service is to be terminated the Career Manager, Unit Administration Officer and Releasing Unit must check the immigration status of the transitioning individual and entitled family members to determine if they can apply for settlement and calculate the costs involved. Those who have not regularised their immigration status should be briefed by their Career Manager and Divisional Officer at least six months prior to termination of service or as soon as notification of termination is received, with the following information:

a. It is the non-UK Royal Navy person's responsibility to apply for settlement, both for themself and their entitled family members, or to leave the country after termination of service. Applications are to be made on Home Office Form SET (AF)[1], in accordance with the Immigration Rules Appendix HM Armed Forces[2].

b. All applicants must complete the Biometric registration process[3] in order for settlement to be granted.

c. The effects of criminality or Service discipline offences on applications for Settlement or Citizenship have been incorporated into 2017DIN01-049 (see also the Home Office publication 'HM Forces: Criminality'[4]). Applicants for settlement or naturalisation must declare all criminal convictions (spent or unspent) on their application forms. If in doubt, individuals with criminal convictions should seek qualified immigration advice before applying for settlement.

d. On the day that a non-UK Service person's service is terminated their 'Exemption from UK Immigration Control' is cancelled and they become subject to UK immigration control. UKVI will issue the individual with 28 days' notice to regularise their immigration status only if it has been notified by the unit or the individual being discharged.

e. If an application is submitted after termination of service date but during the 28 days' notice period, the individual may remain in the UK legally during the consideration process (with civilian status). Individuals will not have permission to work legally, or remain in the UK, even if their passport endorsement has not been physically cancelled by the unit on termination of service, since UKVI will have been notified to cancel the exempt status.

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[1] https://www.gov.uk/government/publications/application-to-settle-in-uk-as-former-member-of-hm-forces-setaf
[2] https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-armed-forces
[3] https://www.gov.uk/biometric-residence-permits
[4] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/488261/HM_Forces_-_Criminality_v1.0.pdf

f. Termination of service normally takes place in the UK. Units terminating non-UK personnel outside the UK must have authority from the overseas Command to do so. Once that authority has been granted, the Commanding Officer will notify the relevant Career Manager that the individual's service will be terminated overseas. Units **must** advise non-UK personnel on housing and immigration implications and status (including for entitled family members) including any UK entry restrictions and issues if they decide to attempt to regularise immigration status overseas.

g. Where an early departure termination (Medical, Discipline, Administrative or Discharge Under Training) has been recommended for non-UK Naval Service personnel, the unit managing the termination must take account of the UK immigration policies and time-lines for settlement application, and raise any concerns about the individual's settlement, and implications for their entitled family members, to the Chain of Command as soon as possible. For overseas units this includes the timely return of the individual and entitled family members to the UK in order to prepare for termination, noting the policy for entitlement to occupy SFA in JSP 464.

h. Commonwealth and non-UK Service Personnel whose service has been terminated and are settled in the UK are liable for the same Regular Reserve liability as their UK counterparts.

i. Commonwealth, non-UK or Nepalese Service Personnel who opt to leave the UK after termination of service have 24 months to apply for settlement (Indefinite Leave to Enter (ILE)) through their local UK Visa Application Centre.

2. Additional Unit Information in Support of Non-UK serving personnel

a. **Termination After Four years' Service.** Inform individuals that, if they wish to regularise their immigration status, their applications should be submitted 18 weeks before their termination date or up to six months before a redundancy termination date. This will enable UKVI to grant settlement the day after termination (providing that the Immigration Rules are met).

b. **Medical Discharge.** Units who administer Commonwealth and non-UK Service Personnel being considered for discharge on medical grounds must also take account of any additional vulnerability issues, especially if the individual has severe physical/mental disability, or if they are single and need additional family support that require support from the immigration authorities. Welfare casework should be raised well in advance of discharge, including any referral under the Veterans' Welfare Service protocols[5]. In all cases where the discharge is complex and requires immigration consideration, the casework team should engage with Royal Navy Family and People Support (RN FPS), Naval Families Federation (NFF) and the Seafarers' Advice and Information Line (SAIL) who will raise a referral to the appropriate authorities and Naval charities both for immigration and eligibility for welfare support.

[5] https://www.gov.uk/government/collections/veterans-welfare-service-protocols

c. **Medical Discharge - Less than Four Years' Service.** Where a non-UK Service Person is medically discharged with less than four years' service, UKVI will consider settlement applications where the medical discharge is due to injuries sustained during operations or whilst on training. When medical discharge occurs for other reasons, with less than four years' service, the non-UK Service Person may still be able to apply for settlement. In both cases individuals will need to submit supporting medical evidence to UKVI and, if required, may need to seek immigration advice from an authority accredited by the Immigration Advice Authority (IAA). Extensions to discharge dates are not given for immigration reasons.

d. **Other Forms of Termination of Service with Less than Four Years' Service.** There is no discretion within the rules for settlement to be granted to those terminating with less than four years' service. Units should advise non-UK Service Persons to seek IAA qualified immigration advice before they submit an application to UKVI for leave to remain ('outside the rules'). On the day of termination, the unit should receive a 28 -day notice letter from UKVI. Those individuals who have not regularised their immigration status may apply for further Leave to Remain; otherwise, they will be expected to leave the country.

e. **Warning UKVI of Termination of Service.** Units are to give UKVI warning of the date of termination from the Armed Forces by completing the additional policy in accordance with Para 5465. Annex 54H is be completed prior to termination day and sent to UKVI. On receipt of Part A, UKVI will issue a receipt to the unit and a notice to those personnel who have not regularised their immigration status (separate letters are provided for dependants). On the final day of service, the unit must complete Part B of Annex 54H, ensuring that both the individual and unit sign the declaration to UKVI.

f. **Indicative Letter.** Once UKVI receives, checks and assesses a settlement application, it may issue an indicative letter[6]. This letter is to assist the individual in planning for future employment, housing, healthcare and benefits as part of the transition to civilian life[7]. Where an indicative letter has been issued and is not accepted by providers during transition, the individual should raise the issue with their unit, which should contact RN FPS, NFF and SAIL with details of those providers who have not accepted the letter.

3. Day of Termination

a. On receipt of the completed Part A, notice is normally 28 days and will be issued effective from the planned date of termination. However, in practice if the date of termination is imminent then UKVI will normally withhold notice until Annex 54H is also received.

b. If the non-UK Service Person has not applied to regularise their immigration status by their date of termination, then UKVI will send the unit a fax/email/letter giving the individual a 28-day notice letter to regularise their immigration status or leave the country. When the email/letter is received, the unit should give one copy direct to the individual and confirm receipt by signature of both the individual and the discharging unit. The signed copy is then to be sent back to UKVI.

[6] The Home Office can only issue an 'Indicative Letter' if it receives the application in good time (18 weeks prior to discharge).
[7] The 'Indicative Letter' is not a guarantee of settlement.

4. Custodial Sentence Family Support. When a non-UK Service Person has received a custodial sentence that will lead to dismissal and termination, the supporting unit must immediately engage with the individual's family. There may be issues of entitlement to SFA and/or Family Maintenance Grant and, if overseas, immigration issues on repatriation to the UK. Further immigration advice should be sought from NLS, RN FPS, NFF and SAIL.

5. Termination Prior to or After Custodial Sentence. Before an individual's service is terminated prior to or after a custodial sentence, the terminating unit must consider any welfare, financial or immigration issues that will impact on the family. When service is terminated under these conditions UKVI must be informed using Annex 54H.

ANNEX 19D

ROYAL NAVY REQUEST FOR AN 'EXEMPT UK IMMIGRATION' CONTROL ENDORSEMENT OF ROYAL NAVAL RESERVE SERVICE PERSON FOR MOBILISATION

1. When a non-UK passport holder (with a right to work visa) in the Royal Naval Reserve has been selected for mobilisation the employing unit must take the following actions:

a. Send the non-UK passport with a covering letter by registered mail below and enclose two passport style photographs no more than three months old with the name of the individual written on the back of each (expenses may be recovered in accordance with JSP 752).

b. Prior to despatch the unit must issue the reservist with a copy of their passport personal page and any visa pages, explain and give the individual a personal copy of Appendix 1: Immigration Conditions for Reserve Mobilisation Service and Demobilisation.

c. The Armed Forces team at UKVI will insert the 'exempt' immigration endorsement into the passport and confirm the conditions of issue in writing to the individual.

d. A covering letter should be sent to UKVI on Unit headed paper addressed as below, containing the following information:

Visits UK (SHU)
Armed Forces/FCDO Team
Visa, Status and Information Services- UKVI
L4, 2 Ruskin Square
Dingwall Road
Croydon
CR0 2WF

Date

Dear Sir/Madam,

ROYAL NAVY REQUEST FOR AN 'EXEMPT UK IMMIGRATION' CONTROL ENDORSEMENT FOR ROYAL NAVAL RESERVE SERVING PERSONNEL MOBILISED

[*Paragraphs do not need numbering.*]

I am the Unit HR Administrative Officer of (insert unit) responsible for Non-UK Exemption from Immigration Control applications.

I can confirm that (Insert service number, rank/rate, full name, DoB and nationality) enlisted as a reservist in the Royal Naval Reserve on (Insert mobilisation start date)**.** Having enlisted in the Royal Naval Reserve the above-named service person is exempt UK Immigration Control under Section 8(4)(a) of the Immigration Act 1971 for the duration of the period of mobilised service.

I have enclosed the individual's Country of Origin Passport (Passport Number) and two Passport photographs with the individual's name on the back of each and request that UKVI insert an 'exempt' from immigration control endorsement (vignette) and inform the individual of the conditions of issue.

The individual's unit will inform you when the above-named reservist demobilises from the Royal Naval Reserve. Please do not hesitate to contact me if you require any additional information.

Signed

Name
Rank/Rate/Position
Job Title, if not included in Unit Letter Template.
For Commanding Officer

Enclosures:

1. (Insert) Reservist's Full Name (Insert Nationality) Passport (Insert Serial Number).
2. Two Passport Photographs with Reservist's name on the back.

APPENDIX 1 TO ANNEX 19D

IMMIGRATION CONDITIONS FOR RESERVE MOBILISATION SERVICE AND DEMOBILISATION INFORMATION FOR THE RESERVIST

1. Immigration Control Mobilised Service

As a member of the Royal Naval Reserve, you must have a valid visa which allows you to work and reside in the UK for the duration of your mobilised service. If you have a valid visa, your passport will be stamped with an exemption from immigration control under section 8(4)(a) of the Immigration Act 1971. The exemption lasts only for the duration of mobilised service with the Royal Navy.

2. Immigration Status Demobilisation

When you are demobilised, you must contact UK Visas and Immigration (UKVI) to inform them of your demobilisation. MTMC or your demobilising unit will also inform UKVI of your demobilisation in accordance with Para 5465. Prior to your mobilisation you had an immigration status and you will resume that immigration status automatically; you do not need to make another application providing that your immigration status remains in-date and valid. **If you do not contact UKVI when you are demobilised, and you attempt to remain in the UK without permission, you may become liable to removal.**

3. Immigration Status - Civilian

Once your exemption has been cancelled, if your visa has lapsed you will require permission to remain in the UK and will normally be given 28 days to regularise your immigration status or leave the country. Even if your mobilisation passport stamp remains in your passport, it will have been cancelled by UKVI and you will not have permission to work or remain in the UK. If you are in doubt your unit HR staff can explain this Appendix and direct you to qualified sources of immigration advice (e.g. Royal Navy Family and People Support (RN FPS), Naval Families Federation (NFF) and Seafarers' Advice and Information Line (SAIL).

4. Right to Work Checks

If you remain subject to immigration control, your unit has a statutory requirement to conduct and record right to work document checks on you. Your unit will check this before you resume your reserve training. This check will be carried out prior to the start of each training year to ensure that you continue to have a valid right to work. If during a right to work check it is found that you have an 'exempt immigration endorsement' remaining in force from a previous mobilisation, your unit will seek advice from UKVI regarding your immigration status.

5. Termination of Service

If, due to a lack of right to live and work in the UK status, your service is terminated, you must inform UKVI of your termination. The terminating unit will also inform UKVI. As reserve service is classed as secondary employment, it does not entitle you to settle in the UK under Immigration Rules Appendix Armed Forces. Even if your passport has a mobilised service exemption stamp, the UKVI will have recorded you as having left the Armed Forces. This will also appear when any prospective future employer conducts a statutory right to work check.